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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/583,045

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EXAMINER

CORRIELUS, JEAN M

ART UNIT

PAPER NUMBER

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/583,045	Applicant(s) KOBAYASHI ET AL.	
	Examiner JEAN M. CORRIELUS	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This office action is in response to the amendment filed on November 18, 2009, in which claims 1-16 are presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 18, 2009 has been entered.

Response to Amendment

3. The amendment filed on November 18, 2009 has considered as to the merits.

Response to Arguments

4. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

Remark

5. It would be best if the Applicant claimed the breath of the invention. According to the specification, the claimed invention is directed to broadcasting scenarios, wherein the devices from the sources are located geographically distant from a broadcast studio. The claimed

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invention does not relate to any of broadcast studio. It is strongly suggested that applicant claims the novelty of the invention as required by the specification. Until then the prior art used below in the rejection substantially disclose the invention as broadly claimed.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Stahl et al., (hereinafter “Stahl”) US Patent no. 7,318,099.

As to claim 1, discloses the claimed “a control signal detecting section is able to identify: the type of the control signal” (identifying the type of signal, see col.5, lines 36-40), “an identifier for specifying the control signal and a time of detection of the control signal” (the signal is assigned an identifier (PID), see col.5, lines 37-40).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over lane et al., (Lane) US Patent no. 6,542,611 and Takechi US Patent no. 7,126,642.

As to claims 2 and 4, Lane discloses the claimed “a control signal detecting section.....” (detecting a performer’s voice, see fig.1); control “signal attribute information managing section.....” (local audio signal multi state echo); and “index generating section.....” (see fig.6). However, Lane does not explicitly disclose a VCR, and Telop.

Takechi, on the other hand, discloses a Telop (see FIG. 11, a telop detection circuit) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teaching of the cited references for the purpose of arriving to the invention as claimed. One having ordinary skill in the art would have found it motivated to used such a

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combination for preventing input signal without changing the aspect ratio of the input image signal

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over lane et al., (Lane) US Patent no. 6,542,611 in view of Asmussen US Patent No. 7,293,279.

As to claim 3, Lane discloses the claimed “a control signal detecting section.....” (detecting a performer’s voice, see fig.1); control “signal attribute information managing section.....” (local audio signal multi state echo); and “index generating section.....” (see fig.6). However, Lane does not explicitly disclose a VCR,

Asmussen, on the other hand, discloses analogous system that performs a guide record functions and operate the control signal of a VCR by sending from the set top terminal to the VCR via the video connection or through a separate connection between the set top terminal and the VCR, wherein the VCR is capable of interpreting these control signals from the set top terminal and performing the desired function, see fig.22. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references, wherein the control signal disclosed by Lane would incorporate the use of a VCR, in the same conventional manner as disclosed by Asmussen. One having ordinary skill in the art would have found it motivated to use a control signal of a VCR for the purpose of allowing the viewer to view the video program he/she has missed during the event and can efficiently access several TV programming options.

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12. Claims 5-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over lane et al., (Lane) US Patent no. 6,542,611 in view of Engebretson et al., (hereinafter "Engebretson") US Patent No. 5,724,433.

As to claims 5-16, Lane substantially discloses the invention as claimed, except for a log data. On the other hand, Engebretson discloses a control signal which is transformed to log encoded data by a log transformer using standard techniques and as more fully, wherein the log encoded data represents the extracted signal characteristics present in the signal at input. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references, wherein the control signal of lane would incorporate the use of a data log. One having ordinary skill in the art would have found motivated to use a data log in the control signal of lane for the purpose of storing video program for later use.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jean M Corrielus/
Primary Examiner, Art Unit 2162

December 28, 2009